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UNCLAS LILONGWE 000274

SIPDIS

AF/S FOR DAN MOZENA, ADRIENNE GALANEK
AF/PD FOR CHANTAL DALTON, DAN WHITMAN

E.O. 12958: N/A

TAGS: [KPAO](#) [PGOV](#) [MI](#) [PDEM](#)

SUBJECT: Journalists Charged with "Insulting President"

Ref: Lilongwe 259

1.(SBU) Journalists Mabvuto Banda and Raphael Tenthani, arrested last week for writing stories regarding "ghost rats" in State House, were released on bail March 17 after being upbraided and threatened with re-arrest by Inspector General of Police Mary Nangawale for portraying the President in a negative light. Rather than dropping the charges, as expected, Director of Public Prosecutions Ishmael Wadi charged the two today with the offense of "Insulting the President," which carries a potential prison term of two years. The DPP was asked in a radio interview why Malani Mtonga, the generally acknowledged source for the story and the President's spiritual advisor, was not charged as well. Wadi responded that while Mtonga may have provided the information, he was not involved in publishing the story. There are reports that the arrests were made without Mutharika's approval, and a source close to the President told PAO that the DPP was also not acting at the behest of the President. PAO emphasized that Malawians and the international community will believe that these actions reflect President Mutharika's policies until he repudiates them.

Government Closes Ranks

2.(U) Following the arrests, Minister of Information Ken Lipenga castigated the media for poor ethics and a lack of professionalism during a conference with editors and journalists in Blantyre on March 18. In somewhat more blunt fashion, DPP Wadi sent a press release to media houses threatening to prosecute any journalist alleged to have violated any provision of Malawi's Kamuzu Banda-era sedition statutes. The Democratus, a newspaper widely acknowledged to be owned by Mutharika, reprinted the press release in a full page ad. The release cites the sedition act, which forbids any article or statement that might "bring into hatred or contempt or excite disaffection against the person of the President," and carries a sentence of 7 years. The offence of insulting the President, which Banda and Tenthani now face, was defined as uttering "any words...or publish[ing] any writing calculated to insult or to show disrespect to...the President." The press release underscored the penalties for these violations, which may have a somewhat chilling effect on journalists tempted to write ghost stories, or anything else that might be critical of the regime, no matter how well-sourced.

3.(SBU) Comment: The Government's recent actions, rather than backpedaling from a rash decision to arrest journalist, appear to many to be a deliberate attempt to limit press freedoms in Malawi. While they may not reflect the coordinated policy of his Government, President Mutharika's ongoing silence does nothing to dispel that belief. Besides alienating many of those who previously supported his reform platform, this contretemps has provided a potent weapon to Mutharika's political opponents, who can now claim that his government is resurrecting the laws--and undemocratic practices--of the Banda police state. End Comment.